

## **REMARKS**

Claims 1-27, 32-34, and 36 have been cancelled and claims 37-61 are new; thus, claims 28-31, 35, and 37-61 are all the claims pending in the application. Claims 28-36 stand rejected on prior art grounds.

### **I. The Prior Art Rejections**

Claims 28-36 stand rejected under 35 U.S.C. §102(b) as being anticipated by Barber, et al. (U.S. Patent No. 6,088,435), hereinafter referred to as Barber. Applicants respectfully traverse these rejections as it applies to all claims 28-31, 35, and 37-61 based on the following discussion.

The claimed invention provides a method automatically determines a communication connection action using context information for a caller and context information for a called party. The communication connection action comprises a decision as to whom the caller should be telephonically connected without additional input from the caller. The identification and/or contact information of the called party is unknown to the caller.

In the rejection, the Office Action argues that Barber discloses many features of the claimed invention. However, Barber does not determine the communication action prior to the connecting of the caller. Instead, the method of Barber does not begin until after the caller dials the access number or requests access to the message center. In addition, Barber does not determine a communication connection action using real-time context information for the caller. Instead, Barber only retrieves the “subscriber record

[50]” from the database 30. Therefore, as explained in greater detail below, Applicants respectfully submit that the prior art of record does not teach or suggest the claimed invention.

Applicants traverse the rejections because the prior art of record fails to teach or suggest the claimed features wherein said processor is operative to determine said communication connection action prior to connection of said caller. Such features are defined in independent claims 28, 29, and 48 using similar language.

More specifically, as illustrated in Figure 3, in block 330, responsive to the context accessed in block 320, we determine a connection objective (paragraph 0045 of Applicants’ disclosure). In block 335 we determine an action associated with the connection objective (paragraph 0046 of Applicants’ disclosure). *The associated action may be taken before the connection action* (paragraph 0048 of Applicants’ disclosure).

After blocks 330 and 335, in block 340 we execute a connection action to reach the connection objective determined in block 330. Once the connection objective is determined, a connection action is further determined. Such an action may be based on table or database lookup or may be mediated by called party context including but not limited to location, called enterprise or called party policy, availability, connectivity, connections status or other factors. A connection action may include but is not limited to dialing a telephone number, initiating a VOIP connection, connecting to a voice mail box, redirecting a call, connecting to a conference or connection service (paragraph 0049 of Applicants’ disclosure). To the contrary, the method of Barber does not begin until after

the caller “dials [an] access number” (FIG. 3, item 94) or “requests access to [a] message center” (FIG. 6, item 114).

Accordingly, Applicants submit that Barber does not determine the communication action prior to the connecting of the caller. Instead, the method of Barber does not begin until after the caller dials the access number or requests access to the message center. Therefore, it is Applicants’ position that the prior art of record fails to disclose the claimed features wherein said processor is operative to determine said communication connection action prior to connection of said caller as defined by independent claims 28, 29, and 48.

In addition, Applicants traverse the rejections because the prior art of record fails to teach the claimed features of at least one processor operative to use said *real-time* context information for said caller and said context information for a called party to determine a communication connection action for connecting said caller. Such features are defined in independent claims 28, 29, and 48 using similar language.

More specifically, as described in paragraph 0053 of Applicants’ disclosure, in block 440 the caller's context supplement is with *real-time* sensor data. Relevant data includes but is not limited to (1) the time of day and the caller's time zone, (2) the caller's location as determined by GPS (global positioning system) coordinates, the location of relevant communication network resources (for example TCP/IP subnets), cellular towers, and the like; (3) data from special-purpose sensors that detect motion, sound, light, pressure, etc. deployed in spaces frequented by the caller (for example in the caller's automobile); and (4) personal medical sensors that report the caller's

physiological state.

To the contrary, nothing within Barber discloses using real-time context information for the caller. Instead, Barber only discloses retrieving the “subscriber record [50]” from the database 30 (Barber, FIG. 3). The subscriber record 50 is not based on real-time context information for the subscriber.

Accordingly, Applicants submit that Barber does not determine a communication connection action using real-time context information for the caller. Instead, Barber only retrieves the “subscriber record [50]” from the database 30. Therefore, it is Applicants’ position that the prior art of record does not disclose the claimed features of at least one processor operative to use said *real-time* context information for said caller and said context information for a called party to determine a communication connection action for connecting said caller as defined by independent claims 28, 29, and 48.

Therefore, it is Applicants’ position that Barber does not teach or suggest many features defined by independent claims 28, 29, 48 and that such claims are patentable over the prior art of record. Further, it is Applicants’ position that dependent claims 30, 31, 35, 37-47, and 49-61 are similarly patentable, not only because of their dependency from a patentable independent claims, but also because of the additional features of the invention they defined. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

## **II. Formal Matters and Conclusion**

In view of the foregoing, Applicants submit that claims 28-31, 35, and 37-61, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

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